

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

AMERICAN MANUFACTURERS MUTUAL
INSURANCE COMPANY,

Plaintiff,

vs.

TOWN OF NORTH BROOKFIELD,

Defendant.

Civil Action No. 03-40266 CWS

ASSENTED TO MOTION TO EXTEND SCHEDULING ORDER

Defendant, Town of North Brookfield (the “Town”), by way of undersigned counsel, hereby moves this Court to extend the current tracking under the amended Scheduling Orders of February 15, 2005 and June 17, 2005. The Town requests that the Court enter an Order extending all remaining discovery dates by approximately four (4) weeks to the dates set forth below. As grounds for this Motion, the Town states that Plaintiff, American Manufacturers Mutual Insurance Company (“AMMIC”) assents to this Motion, and further states as follows:

1. The Parties have diligently conducted discovery and are nearly complete. Paper discovery has taken a significant amount of time due to the complex and paper-laden nature of construction projects, the particulars of surety law, and the extensive universe of information arising from the default of AMMIC’s principal, E.J. Sciaba Contracting Co. Inc. (“Sciaba Contracting”), on four bonded construction projects.
2. The Parties have completed depositions of fact witnesses and are now in the process of completing expert reports. Both Parties seek more time to complete expert reports.
3. Both Parties agree and represent that this additional time will not prejudice either party and that justice will not be delayed by this brief continuance.

WHEREFORE, the Town respectfully requests that this Court enter an Order extending all remaining deadlines in accordance with the following:

- All trial experts are to be designated by 8/5/05 and disclosure of information contemplated by FRCP, Rule 26(a)(2) is also to be provided by 8/5/05. Expert depositions to be completed by 9/14/05. Supplemental reports by 8/19/05.
- All dispositive motions, including motions for summary judgment, are to be filed by 10/3/05 and responses are to be filed thirty (30) days thereafter pursuant to Local Rule 7.1.
- A final pre-trial conference will be set by Magistrate Charles B. Swartwood, and must be attended by trial counsel. The Court will schedule the pre-trial conference after ruling on any dispositive motions, unless the parties jointly request referral to ADR at that time, in which case the pre-trial conference will be set after exhaustion of ADR efforts. A trial date will be set at the pre-trial conference.

TOWN OF NORTH BROOKFIELD

By its attorneys,

/s/ Thomas W. McEnaney
David J. Doneski, BBO #546991
Thomas W. McEnaney, BBO #629130
Kopelman and Paige, P.C.
31 St. James Avenue
Boston, MA 02116
617) 556-0007

ASSENTED TO:

AMERICAN MANUFACTURERS MUTUAL
INSURANCE COMPANY

By its attorneys,

/s/ Jeff D. Bernarducci
Deborah S. Griffin, BBO #211460
Jeff D. Bernarducci, BBO #657454
HOLLAND & KNIGHT LLP
10 St. James Avenue
Boston, MA 02116
Tel: (617) 523-2700
Fax: (617) 523-6850

255112/NBRO HS/0019